

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**IN THE MATTER OF:**

**Downtown LLC  
Major Subdivision Application  
Findings of Fact and Conclusions of Law**

Pursuant to the provisions of the City of Augusta Land Use Ordinance, the City of Augusta Planning Board has considered the application of Downtown LLC, including supportive data, staff review comments, public hearing testimony, and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusions of Law.

**Findings of Fact**

1. **Project Description:** Major Subdivision review as per Section 300-406. The applicant proposes to convert office space to 12 residential apartment units.
2. **Owners:** Downtown LLC
3. **Applicant:** Downtown LLC
4. **Location:** 283 Water Street
5. **Zoning:** Kennebec Business 1 District (KBD1), General Development Shoreland Overlay Zone (GD)
6. **Tax Map Number:** Map 34, Lot 44
7. **Existing Land Use:** Business and Professional Offices and Services
8. **Proposed Land Use:** Multiple Family Dwelling
9. **Acreage:** 0.14 acres
10. On October 11, 2016 the applicant submitted the following:
  - a. Subdivision Review Application
  - b. Deed
  - c. Project Narrative
  - d. Floor Plans
11. On November 5, 2016 and November 12, 2016, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
12. On November 3, 2016, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.
13. On November 15, 2016, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Item 10 above, the staff review dated November 9, 2016, and considered testimony by the applicant and interested members of the public. No individual testified at the public hearing and no written communications regarding the application were received. The Board voted to approve the application with conditions.

## Conclusions of Law

In view of the above actions and the application and supporting documentation in the record, the Planning Board makes the following conclusions of law.

### 300-404.B Criteria for Reviewing the Preapplication

- 300-404.B(1) Pollution. The proposal will not result in undue water or air pollution.
- 300-404.B(2) Sufficient water. There is sufficient water available to meet the needs of the proposal.
- 300-404.B(3) Municipal water supply. The proposal will not cause an unreasonable burden on the municipal water supply.
- 300-404.B(4) Soil Erosion. The proposal will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- 300-404.B(5) Highway or public road congestion. The proposal will not cause unreasonable public road congestion or unsafe conditions on public roads. The developer has made adequate provisions for traffic movement of all types.
- 300-404.B(6) For major developments only. Not applicable.
- 300-404.B(7) Sewage waste disposal. The proposal will provide adequate sewage waste disposal.
- 300-404.B(8) Municipal solid waste and sewage waste disposal. The proposal will not cause an unreasonable burden on the municipality's ability to dispose of solid waste and sewage.
- 300-404.B(9) Aesthetic, cultural and natural values. The proposal will not have an undue adverse effect on aesthetic, cultural or natural values.
- 300-404.B(10) Conformity with city ordinances and plans. The proposal complies with the Land Use Ordinance and 2007 Comprehensive Plan.
- 300-404.B(11) Financial capacity and technical ability. The applicant has adequate financial and technical ability to meet the terms of the ordinance.
- 300-404.B(12) Surface waters; outstanding river segments. The proposal will not adversely affect the water quality or shoreline of the Kennebec River.
- 300-404.B(13) Groundwater. The proposal will not adversely affect the quality of quantity of groundwater.

300-404.B(14) Flood areas. The proposal is above the flood elevation.

300-404.B(15) Freshwater wetlands. All freshwater wetlands on the subject parcel(s) have been identified on maps submitted.

300-404.B(16) River, stream or brook. Any rivers, streams, or brooks within or abutting the subject parcel(s) have been identified on maps submitted as part of the application.

300-404.B(17) Stormwater. The proposal will provide for adequate stormwater management.

300-404.B(18) Access to direct sunlight. The proposal will not block access to direct sunlight to any structures utilizing solar energy.

300-404.B(19) Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377. The project is not regulated by the Site Location of Development Act. Not applicable.

300-404.B(20) Spaghetti Lots. No spaghetti lots are proposed.

300-404.B(21) Outdoor lighting. All outdoor lighting shall be of a design and construction that prevents light trespass beyond the boundaries of the parcel(s).

### **300-603.E Site Plan Criteria Applicable for Conditional Uses**

300-603.E(1) Neighborhood compatibility.

(a) Compatibility and sensitivity to character of the site and neighborhood relative to:

- [1] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to land uses.
- [2] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to architectural design.
- [3] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to scale, bulk, and building height.
- [4] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.
- [5] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to disposition and orientation of the buildings.
- [6] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to visual integrity.

(b) The elements of the site plan are designed and arranged to maximize the opportunity for privacy by the residents of the immediate area.

(c) The proposal will maintain safe and healthful conditions in the neighborhood.

(d) The proposal will not have a significant detrimental effect on the value of adjacent properties.

300-603.E(2) Plans and policies. The proposal is in accordance with the adopted elements of the 1988 Growth Management Plan and 2007 Comprehensive Plan.

300-603.E(3) Traffic pattern, flow and volume.

- (a) The proposal is designed so that any additional traffic generated does not have a significant negative impact on the surrounding neighborhood.
- (b) Safe access will be assured by providing proper sight distance and minimum width curb cuts for safe entering and exiting.
- (c) The proposal provides access for emergency vehicles and for persons attempting to render emergency services.
- (d) The entrance and parking system provides for the smooth and convenient movement of vehicles both on and off the site. The proposal satisfies the parking capacity requirements of the city and provides adequate space suited to the loading and unloading of persons, materials, and goods.

300-603.E(4) Public facilities.

- (a) The public water utility has adequate capacity for the project.
- (b) The public sewer utility has adequate capacity for the project.
- (c) The electric and telephone utilities have adequate capacity for the project.
- (d) The public stormwater system has adequate capacity for the project.

300-603.E(5) Resource protection and the environment.

- (a) There are no known sensitive areas.
- (b) The proposal complies with local, state, and federal air quality standards.
- (c) The proposal complies with local, state, and federal water quality standards.
- (d) Sewage and industrial wastes will be treated and disposed of in such a manner as to comply with local, state, and federal standards.
- (e) The proposal is in the General Development Shoreland Overlay District and complies with standards.

300-603.E(6) Performance standards.

- (a) The proposal complies with all performance and dimensional standards.
- (b) The proposed land use can be conducted so that noise generated shall not exceed the performance levels specified in the performance standards.
- (c) The proposal does not involve intense glare or heat.
- (d) The exterior lighting will be sufficiently obscured to prevent excessive glare on public streets and walkways or into any residential area.
- (e) The landscaping screens parking areas, loading areas, trash containers, outside storage areas, blank walls or fences and other areas of low visual interest from roadways, residences, public open space and public view.
- (f) All of the signs comply with the Land Use Ordinance.

300-603.E(7) Financial and technical ability.

- (a) The applicant has adequate technical ability to meet the terms of the ordinance.
- (b) The applicant has adequate financial ability to meet the terms of the ordinance.

THEREFORE, the Planning Board hereby approves, with the following conditions, the application of Downtown LLC as described in the findings above. The Planning Board approves the waivers for plan submission and narrative requirements, as noted in the Staff Memo.

### Conditions of Approval

The following conditions shall be met prior to the Signature of Approval on the Site Plan. No site or building permit shall be issued until these conditions are met. These conditions shall be met within one year of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within one year, the applicant must come before the Planning Board for review of the conditions:

1. The applicant shall address concerns of the Greater Augusta Utility District in regards to water service for the apartment units.
2. Recording Plat plans shall be stamped by a Surveyor prior to filing at the Kennebec County Registry of Deeds.

This Conditional Approval shall expire within eighteen(18) months of the date of approval by the Planning Board, if a permit from the Bureau of Code Enforcement for the site and building work is not issued by that date.

  
Justin L. Poirier, Planning Board Chair

12/13/16  
Date